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11 *Attorneys for the United States*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOHN BADEA,  
  
Defendant.

Case No. 2:19-CR-00017-APG-VCF

**Stipulation To Continue Sentencing  
Hearing**  
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Jason R. Margolis, Esq., counsel for John Badea, ("Badea"), that the sentencing hearing in the abovementioned case, which is currently scheduled for April 6, 2021, at 9:00 a.m., be continued and reset to a date and time convenient to this Court, but not earlier than April 20, 2021 for the following reasons:

1           1.       The parties request that the contested sentencing hearing be conducted not  
2 by video but in-person in one of the covid ready courtrooms. The government anticipates  
3 calling approximately 4 witnesses, who will testify relating to the applicability of certain  
4 guideline enhancements that are at issue, and to provide the Court a more complete  
5 understanding of the scheme and fraud perpetrated by Badea and others. The  
6 government estimates that presenting this testimony may take approximately 2 to 3  
7 hours.

8           2.       Undersigned government counsel is out of the district on April 16 and 19.  
9 One necessary witness, LVMPD Senior Financial Analyst Colin Haynes, is out of the  
10 district from April 9 to April 19. Accordingly, while the parties hope that the hearing  
11 would occur at the Court's convenience sometime in the next 30 days, the parties agree  
12 in any event that the hearing should not be set earlier than April 20, 2021.

13           3.       The defendant is not incarcerated and does not object to the continuance.

14           4.       The parties agree to the continuance and need additional time to properly  
15 prepare for the sentencing hearing.

16           5.       The additional time requested herein is not sought for purposes of delay,  
17 but merely to allow the parties sufficient time within which adequately prepare for the  
18 sentencing hearing and so that the hearing can be held in-person. Additionally, denial of  
19 this request for continuance could result in a miscarriage of justice, and the ends of justice

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1 served by granting this request, outweigh the best interest of the public and the defendant  
2 in a speedy hearing.

3 6. This is the second stipulation to continue the sentencing hearing.

4 DATED this 30th day of March, 2021.

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6 CHRISTOPHER CHIOU  
Acting United States Attorney

7  
8 By /s/ Jason R. Margolis, Esq.  
JASON R. MARGOLIS, ESQ.  
9 Counsel for John Badea

BY /s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4  
5 Plaintiff,  
6 v.  
7 JOHN BADEA,  
8 Defendant.

Case No. 2:19-CR-00017-APG-VCF

**Findings Of Fact, Conclusions Of Law  
And Order**

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
12 the Court finds that:

13 1. The parties request that the contested sentencing hearing be conducted not  
14 by video but in-person in one of the covid ready courtrooms. The government anticipates  
15 calling approximately 4 witnesses, who will testify relating to the applicability of certain  
16 guideline enhancements that are at issue, and to provide the Court a more complete  
17 understanding of the scheme and fraud perpetrated by Badea and others. The  
18 government estimates that presenting this testimony may take approximately 2 to 3  
19 hours.

20 2. Undersigned government counsel is out of the district on April 16 and 19.  
21 One necessary witness, LVMPD Senior Financial Analyst Colin Haynes, is out of the  
22 district from April 9 to April 19. Accordingly, while the parties hope that the hearing  
23 would occur at the Court's convenience sometime in the next 30 days, the parties agree  
24 in any event that the hearing should not be set earlier than April 20, 2021.

25 3. The defendant is not incarcerated and does not object to the continuance.  
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1           4.     The parties agree to the continuance and need additional time to properly  
2 prepare for the sentencing hearing.

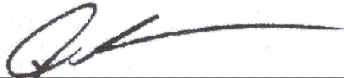
3           5.     The additional time requested herein is not sought for purposes of delay,  
4 but merely to allow the parties sufficient time within which adequately prepare for the  
5 sentencing hearing and so that the hearing can be held in-person. Additionally, denial of  
6 this request for continuance could result in a miscarriage of justice, and the ends of justice  
7 served by granting this request, outweigh the best interest of the public and the defendant  
8 in a speedy hearing.

9           6.     This is the second stipulation to continue the sentencing hearing.

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11                               **ORDER**

12           THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the  
13 above-captioned matters, currently scheduled for April 6, 2021, be vacated and  
14 continued to a date and time convenient to this Court, that is on April 28, 2021, at the  
15 hour of 9:00 a.m. in Courtroom 6C.

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18           DATED this 1st day of April 2021.

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23                               HONORABLE ANDREW P. GORDON  
24                               United States District Court Judge  
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